IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 1643 OF 2007 IN CRIMINAL APPEAL NO. 341 OF 2005
Abdul Karim Abdul Majid vs. State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D. SINHA AND
B.P. DHARMADHIKARI, JJ.
JULY 24, 2007.

Heard Mrs. Nandita Tripathi, learned counsel for the applicant and Smt. Wandile, learned Additional Public Prosecutor for the respondent.

The present application is moved by the applicant/ petitioner for grant of bail purely on medical grounds.

The learned counsel for the applicant has submitted that the applicant is suffering from Cancer, which is at advanced stage and therefore before his death, the applicant would like to be with his family members. It is, therefore, prayed that he be released on bail on medical grounds.

We had directed the learned APP to verify the correctness of these facts and file an affidavit of the Jailer. Mrs. Wandile, learned APP states that the requisite affidavit is filed on 11.7.2007. It is

submitted that it is not disputed that the applicant is suffering from Cancer which is in third stage. The applicant at present is admitted in Cancer Hospital, Nagpur. The certificate issued by the Medical Officer, Amravati Central Prison, is also annexed with the affidavit filed by the State.

In view of the above referred undisputed facts, it is evident that the applicant is critically ill since Cancer is in advanced stage. In the circumstances, we are of the view that the applicant has made out a case for grant of bail on medical grounds.

We want to express that the applicant is granted bail on the medical ground and therefore the other co-accused are not entitled to claim bail on the basis of parity.

Criminal Application is disposed of with the directions to the respondent to release the applicant on bail on furnishing P.R. Bond of Rs.5,000/- with one surety in the like manner.

The Registrar (Judicial) of this Court is directed to communicate this order to the Superintendent of Jail, Central Prison, Nagpur, forthwith.

JUDGE **JUDGE**

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